IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.11.2007

C O R A M :

THE HONOURABLE MR.JUSTICE P.JYOTHIMANI

WRIT PETITION No.35226 of 2007
and M.P.No.1 of 2007

Mrs.J.Rosy Paul ... Petitioner

-vs-

1.The District Collector
Collectorate
Thiruvallur District.

2.The Block Development Officer
Cholavaram
Ponneri Taluk.

3.The Tahsildar
Ponneri Taluk
Ponneri 601 204.

4.Mr.Rajendran
President
Vichoor Village Panchayat
Vichoor, Chennai 600 103. ..Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus as stated therein.

For petitioner :: Mr. V.Parthiban

For respondents :: Mr. V.Arun,AGP

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ORDER

On direction, Mr.V.Arun, learned Additional Government Pleader, takes notice for the respondents.

2. The writ petition is filed for direction against the respondents to remove the concrete public road/common passage constructed within Plot No.18 Ezhil Nagar, Vichoor Village, stated to be belonged to the petitioner situated in Ponneri Taluk, Thiruvallur District.

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3. The case of the petitioner is that the Tahsildar by his proceedings dated 22.05.2007, has categorically stated that there is no public passage in the extent of 10 feet and the property is absolutely belongs to her. However, according to the petitioner, the 4th respondent, who is the President of the Vichoor Panchayat, on 13.11.2007 has laid the public road/common passage in her property and it is to remove the same, the present writ petition is filed.

4. On face of it, I am of the considered view that to remove the public road stated to have been put up in the private property belonged to the petitioner, this Court cannot give any direction by exercising jurisdiction under Article 226 of the Constitution of India and it certainly requires appreciation of facts, which cannot be done by this Court in this proceedings. Hence, the writ petition is dismissed. No costs. However, it open to the petitioner to approach the appropriate forum for redressal.

In view of dismissal of the main petition connected miscellaneous petition is closed.

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Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To

1.The District Collector
Collectorate
Thiruvallur District.

2.The Block Development Officer
Cholavaram
Ponneri Taluk.

3.The Tahsildar
Ponneri Taluk
Ponneri 601 204.

1 cc to Mr.V.Arun, AGP., SR.68196
1 cc to Government Pleader, High Court, Madras, SR.68433
1 cc to Mr.V.Parthiban, Advocate, SR.68548

ks (co)

dv/29.11. WRIT PETITION No.35226 of 2007

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